



COMMITTEE FOR
GREEN FOOTHILLS

July 1, 2005

Darryl Boyd
Department of Planning
Building and Code Enforcement
City of San Jose
801 N. First St., Rm 400
San Jose CA 95110-1795

Re: Comments on the Coyote Valley NOP

Dear Mr. Boyd,

The Committee for Green Foothills submits the following comments on the NOP for the Coyote Valley Environmental Impact Report:

- We reaffirm our March 4, 2005 letter to San Jose regarding Coyote Valley (attached), and we request that the DEIR address the letter's concerns.
- Current development "triggers" found in the San Jose General Plan that restrict residential development in San Jose must be included as part of the environmental baseline for assessing the project's impacts.
- Any changes to development triggers that function as replacements, in whole or in part, of these triggers must be analyzed in the DEIR. Analyzing changed triggers separately would constitute improper segmentation of the project.
- In light of the California Supreme Court's depublication of *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal.App.4th 1400, the City should consider agricultural preservation as a feasible mitigation for the loss of agricultural land. Preservation should be at least at a one-acre-for-one-acre ratio. Preservation in Coyote Valley Greenbelt is preferable, but preserving farmlands in other areas of Santa Clara County should also be considered for purposes of determining feasible mitigation.
- For purposes of examining the project's effect on housing demand, the number of employed residents per residence should be determined based on the size of anticipated residences, not simply a County-wide or City-wide average that reflect larger residences than will be found in Coyote Valley.
- The NOP referenced 3,000 additional jobs will be expected beyond the 50,000 figure for retail and government support work. This contrasts with the City's own transportation consultant, who had stated at a Coyote Valley Technical Advisory Committee meeting in 2004 that the 50,000 jobs would produce an additional 17% more support jobs. The DEIR should address which of these two figures is correct and give the reasons why, for purposes of determining housing demand.
- The DEIR should identify the amount secondary jobs created outside of Coyote Valley as a result of the business brought to the area at buildout, for purposes of identifying housing demand created by the project.
- The DEIR should consider the net effect of other development projects on housing demand, and specifically address the housing demand concerns expressed in our December 20, 2004 letter (attached).

COMMITTEE FOR
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- The DEIR should address growth inducing and cumulative impacts from the project, especially in relation to the net increase in housing demand from the 50,000 jobs, whatever number that is correct for retail and government jobs, and the secondary jobs created outside of Coyote Valley. This analysis should extend beyond San Jose to all of Santa Clara County, as well as all neighboring counties and to Monterey County.
- The DEIR should address the effect of nitrogen deposition on nearby serpentine soils habitat from development in Coyote Valley, including that coming from increased congestion on Highway 101.
- The DEIR should address how it will conform to the planned County-wide HCP. We suggest a mitigation statement to the effect that "all aspects of the CVSP are subject to change based on the requirements of the forthcoming County-wide HCP." The DEIR should justify any statement of conformance to the future HCP that is less sweeping.
- The DEIR should examine the feasibility of an east-west wildlife migration corridor in the vicinity of the North Coyote area and Tulare Hill, as a mitigation for impacts to wildlife. This examination should include the elimination or relocation of the athletic fields north of Tulare Hill.
- The DEIR should address a wider floodplain for Fisher Creek as an alternative flood storage mechanism than the proposed Coyote Valley Lake, as well as consideration for mitigation of various biological impacts.
- The DEIR should address an empty greenfield as an alternative to the Coyote Valley Lake for flood-control purposes. This greenfield was described by City consultants in early CVSP Task Force meetings.
- The DEIR should address potential spread of perchlorate contamination as it might affect water supplies.

Please contact me if you have any questions.

Sincerely,



Brian A. Schmidt
Legislative Advocate, Santa Clara County



COMMITTEE FOR
GREEN FOOTHILLS

December 20, 2004

Members of the CVSP Task Force
Department of Planning
Building and Code Enforcement
City of San Jose
801 N. First St., Rm 400
San Jose CA 95110-1795

Re: future changes to San Jose's jobs-housing balance, and farmland mitigation requirements

Dear CVSP Task Force Members,

Sal Yakubu asked me to give him the information I mentioned in the most recent Technical Advisory Committee meeting, and I would like to pass this on directly to the Task Force as well. Developing Coyote Valley together with the proposed North First Street development suggests that the City will have more jobs than employed residents, a significant environmental impact. Second, the California Supreme Court recently "depublished" an appellate court case stating there is no need to purchase mitigation for the loss of farmland, which is a strong indication that San Jose will have to require the purchase of agricultural conservation easements in the CVSP EIR.

Attached are excerpts from the Association of Bay Area Governments "Projections 2003" document. They show a fairly consistent surplus of 85,000 employed San Jose residents relative to San Jose jobs for the next 20 years. San Jose's plan to create 50,000 "industry leading" jobs, plus a still-completely-unknown number of support jobs in Coyote Valley, plus an unknown number of additional jobs in the rest of San Jose, is only partially balanced by planned construction of 25,000 residences. A reasonable estimate would conclude that a job demand of 65,000 positions would be created, while Coyote Valley's housing supply would only accommodate 35,000 employed residents. The effect then is to reduce San Jose's employed resident "surplus" from 85,000 to 55,000. Meanwhile, the proposed North First Street development plans to accommodate over 100,000 new jobs while providing just 25,000 residences. North First Street will create 60,000 more jobs than housed residents. Together, Coyote Valley plus North First Street will create a net deficit in housing versus jobs in San Jose, making the city much like the Peninsula cities that have been criticized for not shouldering their housing responsibilities.

While the above does not take into account other housing projects, it also does not consider other job and business development projects. The implication is that San Jose is not just harming the regional housing balance, but creating significant housing problems within the City itself.

Sal and I also discussed the responsibility to mitigate the loss of farmland through agricultural preservation of nearby farmland. It is my understanding that the City has previously argued preserving existing farmland does not mitigate the loss of other farmland. The California Supreme Court recently depublished an appellate court opinion that adopted an identical argument to the City's, *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal.App.4th 1400. Depublication means the opinion cannot be used as legal precedent, and is a strong indication that the Supreme Court disagrees with the legal reasoning. This indicates that the City should require mitigation for the loss of agricultural land.

COMMITTEE FOR
GREEN FOOTHILLS

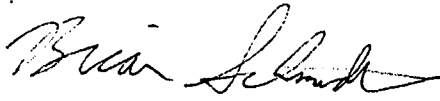
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Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Schmidt".

Brian A. Schmidt
Legislative Advocate, Santa Clara County

Principles Regarding Farmland Conservation in Coyote Valley

January 4, 2006

The Friends of the Coyote Valley Greenbelt, The Sierra Club, Loma Prieta Chapter, Committee for Green Foothills, Greenbelt Alliance and the Santa Clara Valley Audubon Society are all organizations concerned with smart growth, sustainable land use and preservation of open space. We believe that the following farmland conservation principles must guide any proposals for the future of Coyote Valley:

Require mitigation for converted farmland

- Since developers propose converting Coyote Valley farmland to other uses, the developers must mitigate the lost farmland by funding the preservation of farmland on at least a one-for-one acre basis.
- All developed properties should be subject to the mitigation requirement, regardless of the subsequent use of the property. For policy reasons, some properties such as affordable housing may carry a lower share of the mitigation burden, but other properties must then make up the difference.
- Funding should be sufficient to acquire lands or easements for agriculture as well as a program of land/easement acquisition and management in the Greenbelt. The funding should also support programs to promote agricultural activities. The proposed \$15 million is not adequate for these objectives.
- The mitigation requirement must be part of any Specific Plan for the Coyote Valley.

Where mitigation should occur

- To the extent possible, mitigation farmland should be secured in the Coyote Valley Greenbelt and other non-hillside lands within the San Jose Sphere of Influence.
- Should insufficient farmland be secured in these areas, only then nearby farmland in Santa Clara County would be considered appropriate mitigation for the remaining acreage.
- The South Coyote Valley Greenbelt is but one component of a true greenbelt. A protected valley floor including farmland protections along with protected hillsides creates a complete greenbelt. The Specific Plan must address plans to protect the hillsides from development.

An Implementation Agency should be identified or created.

- To assure long range viability and public accountability, the entity responsible for agricultural mitigation land acquisition or easements and related administrative support facilities should be a public agency.
- The Specific Plan must include guideline requirements for the agency, including a financial structure to hold funds until the agency is operative.

Our various organizations may have differing views on the future of Coyote Valley, and this joint position paper should not be considered a joint statement on whether development should occur in Coyote Valley. What our organizations share is the position that any specific plan that moves forward must include the preceding farmland conservation principles. Open space protection is a critical component of any smart growth specific plan. These principles focus on agricultural land conservation and do not represent the full suite of principles that should be incorporated into any Specific Plan for Coyote Valley, such as affordable housing, transit accessibility and hillside protection.



PROTECTING OPEN SPACE AND PROMOTING LIVABLE COMMUNITIES

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RECEIVED
JUL 5 2005
CITY OF SAN JOSE
PLANNING DIVISION

July 1, 2005

By Email, Facsimile and US Postal Service Mail

Attn. Darryl Boyd, Principal Planner
Department of Planning, Building and Code Enforcement
City of San Jose
801 North 1st Street, Room 400
San Jose, CA 95110

RE: Initial Study/ Notice of Preparation of a Draft Environmental Impact
Report (DEIR) for the proposed Coyote Valley Specific Plan

Mr. Boyd:

The following comments on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the proposed Coyote Valley project (proposed project) are submitted on behalf of Greenbelt Alliance. We support the City's requirement that an EIR be prepared and appreciate this opportunity to comment on the scope and content of the EIR.

BACKGROUND OF PROPOSED PROJECT AND PROJECT DEIR

Project Description

The project includes adoption of the Coyote Valley Specific Plan (CVSP), rezoning and annexation of more than 2,000 acres of primarily rural unincorporated land. The project may also include General Plan amendments, subdivision map approvals, development agreements, formation of assessment districts, a project phasing plan, CVSP area design guidelines and a CVSP area zoning code. The City of San Jose (City) anticipates that development in the CVSP area will include 25,000 housing units and 50,000 industry-driving jobs. There will be workplace, residential, retail and mixed-use development in addition to a 50-acres man-made lake, an internal transit system, a new road network and up to seven elementary schools, two middle schools and one high school. Coyote Valley is made up of three distinct areas, the North Coyote Industrial Area, the Coyote Valley Urban Reserve and the Coyote Valley Greenbelt, that together total over 7,000 acres of primarily undeveloped agricultural land.

SCOPE OF THE EIR

We offer the following comments on the scope of the DEIR for the proposed Coyote Valley Specific Plan.

Loss of Prime Agricultural Land

The DEIR must address the project's potentially significant impacts on prime agricultural land. The project proposes the loss of as much as 3,500 acres of farmland. This loss of farmland would have significant impacts on the South Coyote Valley greenbelt, surrounding hillsides and farmland in South Santa Clara County. The project must not be approved absent a reasonable and enforceable mitigation program to preserve regional aesthetic and agricultural resources.

Urban Design

The DEIR must address potentially significant impacts on air quality, traffic, and water quality caused by the proposed urban design in the CVSP area. The City states that the CVSP area is intended to be a self-sustaining, transit-oriented community based on smart growth principles. However, the proposed urban design of the CVSP area would foster an auto-dependent community with associated significant traffic, air quality, and water quality problems since the proposed road network emphasizes a disconnected street pattern over clustered, mixed-use, pedestrian-oriented development. The emphasis on suburban-style roadways virtually guarantees that CVSP area workers and residents will travel almost exclusively by car. Auto-dependence will not only cause traffic congestion and smog, but also lead to more paved surfaces and increased run-off to threaten the water quality in Fisher Creek.

The DEIR must analyze the potentially significant impacts of the proposed road system in the CVSP area. The proposed project does not make efficient use of existing infrastructure, as the proposed CVSP requires that portions of the existing road system be demolished and replaced. To pay the unnecessarily high infrastructure costs, the City would have to seek development impact fees from large-scale projects composed primarily of fast-selling, high-profit housing products such as single-family detached dwellings. As currently proposed, the CVSP increases the probability of development in a series of leap-frogging subdivisions that are neither transit-oriented nor pedestrian friendly.

The DEIR must analyze and compare the proposed road network to a more traditional grid system as set forth in Greenbelt Alliance's vision statement, *Getting It Right*, submitted with these comments as a project alternative to be considered in preparation of the DEIR. Not only does a traditional grid system allow for the urban form to grow from the existing grid of roads, thereby requiring significantly less environmental disturbance from the demolition and reconstruction of the road network, but it is also more pedestrian and bicycle friendly. The DEIR must identify the length and width of proposed blocks and streets and analyze whether the proposed street design encourages walking and bicycling and discourages auto-dependency. Blocks should be less than three acres, since people find it more inviting to walk at this scale, and streets should be narrow. The proposed project shows many winding roadways and long blocks which is more typical of suburban style planning that de-emphasizes pedestrian movement.

The DEIR must analyze the potentially significant direct and indirect impacts of lower density development, especially the impacts on the Coyote Creek Parkway. The DEIR should discuss the average densities of both the proposed project and the project alternative presented in *Getting It Right*. The proposed project has an average density of 18 units to the acre. *Getting It Right* demonstrates that if development has an average density of 28.5 units to the acre, then the City can meet its development targets without approving development east of Monterey Highway and the area can instead be preserved as farmland or in other open space uses. Protecting this land as open space will have a substantial positive environmental benefit for the Coyote Creek Parkway.

Otherwise, development will occur very close to Coyote Creek, increasing urban run-off and the risk of downstream flooding.

Additionally, the DEIR must analyze the location of the proposed artificial lake and its impact on travel patterns. The proposed location of the man-made lake, at the intersection of Bailey Avenue and the major north-south travel route, Santa Teresa Boulevard, impedes orderly urban design. Re-routing travel through the urban core to accommodate a man-made lake would cause traffic congestion on major thoroughfares and force more cars onto Highway 101. The proposed lake is also a physical barrier between Highway 101 and the job centers on the west side of Coyote Valley. This barrier would encourage increased travel into Coyote Valley via Almaden Valley, thus spurring pressure to expand the two-lane road and to develop Almaden Valley. The DEIR must study the possibility of locating the flood management facilities outside of downtown so that they do not interfere with the evolution of an orderly, easily accessible urban form. Also, the DEIR must analyze alternatives to the man-made lake, such as the Fisher Creek floodplain (discussed below in the 'Flood Management' section and in *Getting It Right*).

Flood Management

Development of the CVSP area will substantially increase run-off and the risk of flooding, therefore the DEIR must identify a significant amount of floodwater retention capacity in Coyote Valley. However, a downtown lake is not the only way to accommodate this need and the DEIR must discuss other technically feasible options as well. The DEIR must look at the potentially significant impacts of filling in portions of Laguna Seca at the northern end of Coyote Valley and excavating a new lakebed in the proposed downtown. This proposed means of floodwater retention is unnecessarily expensive and inconsistent with natural hydrological patterns. In particular, the DEIR must analyze using the Fisher Creek floodplain for retention as outlined in *Getting It Right*. The Fisher Creek floodplain alternative is more sustainable and integrated with Coyote Valley's natural hydrological and ecological systems than the construction of an artificial lake at the urban core. The actual size of the floodplain must be determined, but its potential advantages may make it a reasonable, technically and economically preferable alternative requiring discussion in the DEIR.

The Fisher Creek floodplain would be multi-functional. When the land is dry, passive recreation activities such as jogging and bicycling could be accommodated, and native plants would provide valuable habitat for wildlife. With regard to the floodwater retention function, the DEIR must study the ability of the floodplain to serve the same function as the lake, without the costly commitment of keeping it filled year round. The DEIR must also look at how the floodplain complements Laguna Seca at the northern end of the planning area, which is farmed in the dry season and allowed to flood in the rainy season. This natural pattern should continue.

Internal Transit

The DEIR must analyze how the proposed urban design, with its winding street pattern and disconnected neighborhoods, supports the internal transit system. A winding, disjointed street pattern would increase the operating costs of the proposed fixed guideway transit system, significantly extend travel times, and increase the likelihood that transit service would be infrequent, unpopular, and not a viable alternative to driving. The DEIR must analyze and compare the internal transit system on the proposed road network to the same system on a traditional grid system as outlined in *Getting It Right*.

The fixed guideway in the proposed project provides connections within Coyote Valley and to a proposed Caltrain station, which would be located near Monterey Road close to downtown. CalTrain would provide the sole transit connection in and out of Coyote Valley and may not meet the needs of a wider population. CalTrain has proposed service reductions and it is probable that service south of San Jose will be discontinued in the future. The DEIR must discuss the potentially significant impacts on traffic and air quality if CalTrain is not a viable transit connection to Coyote Valley, leaving residents, workers, and visitors with no other option than to drive. Additionally, the DEIR must analyze the potentially significant impacts of the proposed artificial lake on the existing VTA regional bus route along Santa Teresa Boulevard. The proposed lake would effectively eliminate north-south bus service in the region.

The DEIR must study an alternative to the proposed fixed guideway system that provides residents, workers, and visitors with additional connections in and out of Coyote Valley. In *Getting It Right*, Greenbelt Alliance proposes a transit system that includes neighborhood bus loops that connect to the proposed CalTrain station and to a Bus Rapid Transit (BRT) line along Santa Teresa Boulevard. BRT would connect to VTA's light rail system, providing an additional connection out of Coyote Valley and increasing the probability that people will use public transit for such trips.

The project alternative proposed in *Getting It Right* includes three main components addressing the potentially significant air quality, traffic, and water quality impacts of the proposed project: (1) the traditional grid system; (2) the Fisher Creek floodplain; and (3) the BRT/bus loop transit system. These three components complement each other. For example, the BRT/bus loop transit system would be able to efficiently travel along a traditional grid system, reducing travel times and making it more feasible to provide frequent service. The Fisher Creek floodplain would replace the proposed lake, making Santa Teresa Boulevard more easily accessible to BRT and north-south traffic. This combination would decrease the amount of paved surface area within the CVSP area, provide a more pedestrian and bicycle friendly environment, create a more attractive and viable transit system, and decrease project impacts on air quality, traffic, and water quality.

Growth Inducing Impacts

The proposed project will have impacts that are individually limited but cumulatively considerable. The DEIR must analyze the proposed project's growth inducing impacts on the hillsides surrounding the CVSP area, Almaden Valley, the communities of South Santa Clara County (Morgan Hill, San Martin, Gilroy), and San Benito and Monterey counties. The development of a major job center at the southern edge of Silicon Valley may induce many people to commute up from communities such as Hollister, Los Banos and Salinas. The DEIR must analyze the effect of these added car trips on traffic and air quality. The proposed project will lead to increased pressure to expand smaller roads such as the two-lane road to Almaden Valley. Wider roads would then induce further development of the Almaden Valley.

Public Services and Utilities

At build-out, the proposed project would add 80,000 new residents to the area and substantially increase demand for public services, utilities and facilities. The DEIR must analyze the cumulative demand for these essential services. The project should include land set aside for two health clinics. In San Jose, there is a health clinic for every 40,000 residents, meaning that two additional clinics will be needed to accommodate residents in Coyote Valley. The DEIR must analyze the impact the proposed project would have on San Jose health clinics if none were

located in Coyote Valley.

The DEIR must analyze potentially significant impacts and cumulative impacts on the City's sanitary sewer system and on regional wastewater treatment and landfill capacity. It must also identify a source of water for the proposed project and analyze the direct and indirect impacts of providing natural gas and electrical service to the CVSP area.

The DEIR must compare current levels of service to potentially significant impacts and cumulative impacts on response times for emergency services. The DEIR must determine if the proposed project will result in a reduction of services currently provided to existing residents.

Biological Resources

The DEIR must include a detailed analysis of potentially significant impacts to biological resources prepared by a qualified, independent biologist with expertise in habitats and species found in this region. The DEIR must identify and quantify all sensitive habitats that could be impacted directly or indirectly by the proposed development. The DEIR must also address the potentially significant impact of development on wildlife habitats and endangered species outside of the CVSP area, such as Coyote Ridge, the Coyote Creek park chain and communities to the south.

The DEIR must address the need for a wildlife connection between the hills to the west (the Santa Cruz Mountain Range) and the hills to the east (Mount Hamilton Range). As urban development encroaches onto open space that animals use to migrate across the valley, interaction between wildlife and humans will increase. Increased interaction between wildlife and human beings increases the risk of harm to both.

Sustainability

The DEIR must also analyze the proposed project's incremental impacts on the formation of sustainable communities and the potential direct and indirect substantial adverse effects on human beings. The proposed project's \$1.6 billion price tag represents the cost of infrastructure improvements, but does not include the costs of affordable housing, health care facilities, childcare facilities, and other community services for low-income households. If costly amenities, such as the proposed lake and four-to-six lane thoroughfares, mean that housing and services are not provided for low-income households then the proposed project would create an environment with substantial adverse effects on human beings. The City proposes the creation of a self-sustaining community with a variety of jobs, including low-paid retail, non-profit, service, and maintenance jobs. If low-income households are unable to find affordable housing in Coyote Valley, they will be forced to find cheaper housing in distant communities. This will increase demand for development in these communities, lead to higher home prices, and perpetuate the vicious cycle of long commutes across sprawling low-density development in search of more affordable housing. The DEIR must analyze how the lack of affordable housing and community services in Coyote Valley will impact the environment throughout the region and cause substantial adverse effects on human beings.

Cumulative Analysis

The DEIR must consider the impact of the project combined with other related projects, including past, present and probable future projects. The DEIR must analyze cumulative impacts for all

environmental factors including, but not limited to: land use and planning; aesthetics, biological resources, hazards, public services, utilities/service systems, cultural resources, hydrology/water, noise, air quality, geology, population/housing, economic and social and transportation/circulation.

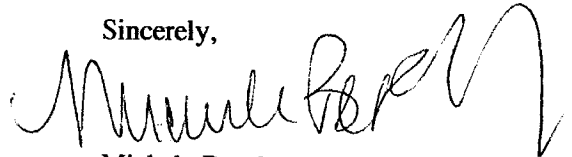
Alternatives

In addition to the No Project Alternative, Reduced Scale Alternative and Alternative Location, the DEIR must also evaluate a project alternative that might reasonably be assumed to reduce project impacts. One such alternative is Greenbelt Alliance's vision for Coyote Valley, *Getting It Right*. It can be reasonably assumed that *Getting It Right* will reduce significant impacts. An alternative that encompasses the traditional grid system, the Fisher Creek floodplain and the transit connections as outlined in *Getting It Right* must be considered in the DEIR. These three components complement each other, each providing significant environmental benefits that increase exponentially when all three elements are implemented.

Concluding Comments

Again, we appreciate being consulted on the scope of the work for the DEIR. Please keep us informed of any and all contracts, notices, hearings, staff reports, briefings, meetings and other matters related to the proposed project. We are pleased to respond to any questions you may have concerning our comments on the NOP.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Michele Beasley', with a large, stylized flourish at the end.

Michele Beasley
South Bay Field Representative
Greenbelt Alliance